CANCELLED

Single Bench

(1) (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 267 **OF 2005**

PETITIONER : Chhabilal S/o Mukutram Lodhi aged about 53 years R/o Village Thandar Tah. Chhuikhadan, Distt. Rajnandgaon (C.G.)

Plaintiff

V E R S U S

RESPONDENTS:

Defendents

P.R. No. 251/05 Received by Shri Rahul Bhagat on 20-1-05, Bilaspur

Presented by

RESERVE COPY

20.1.05

A.G. Bilaspur

1. Mangalchand Parakh, S/o Uttamchand Parakh aged about 70 years, R/o "Mangaldeep" G.E. Road, Rajnandgaon
2. Ishwar S/o Bhikham Lodhi, aged about 35 years R/o Village Thandar, Tah. Gandai, Tah. Chhuikhadan, Distt. Rajnandgaon C.G.
3. State of Chhattisgarh, Through: The Collector, Rajnandgaon, (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

(38)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 267 '05 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

31-1-2005

Shri Rajesh Pandey, counsel for the petitioner.

Shri Sanjay S. Agrawal, Government Advocate for the State.

The petitioner has preferred this writ petition under Article 227 of the Constitution of India being aggrieved by the order dated 4-1-2005 whereby the learned trial Court has rejected the application filed by the petitioner herein under Order XIV Rule 5 of the C. P.C. for amendment of the issues that is adding one more issue in view of the para 12-A and 12-B of the plaint.

I have heard learned counsel for the petitioner on admission.

The petitioner herein filed a suit for specific performance of the contract, cancellation of the sale deed executed in favour of respondent No.2 by respondent No.1, perpetual injunction and declaration of title on the basis of occupancy of the land in question against respondent No.1 herein. In para-12-B of the plaint by way of amendment the petitioner herein inserted an amendment to the effect that land in question is in possession of the petitioner since last 4 years, therefore, he has become the owner of the land, as such respondent No.1 has no right to sale the property of respondent No.2.

Vide impugned order the learned trial Court has rejected the application on two counts that is, in sum and substance, prayer made by the petitioner is covered under issue No.5. Moreover, as far as the

Gr. PRJ—FS/350—12/2000—50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 267 **सन्** 2005

आदेश पत्रक (पूर्वानुबद्ध)

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	question of declaration of title on account of four years' occupancy of the petitioner is concerned, as per the provisions of Section 257 (o) of the Land Revenue Code the Civil Court has no jurisdiction to declare the title and for that purpose the petitioner is required to approach the Revenue Court. Having perused the pleadings, impugned order and relevant law, I am of the opinion that the trial Court has not committed any illegality or irregularity in passing the impugned order. It has specifically been mentioned that as far as declaration of title on account of four years' occupancy of the agricultural land is concerned, that is within the specific jurisdiction of the Revenue Court and the civil Court has no right to try the suit, therefore, to that extent, the civil Court has no right to try the suit. I do not find any infirmity in the impugned order. This writ petition is not maintainable, same is liable to be dismissed and it is accordingly dismissed. Consequently, M.(W.)P. No.232/2005 and I.A. No.568/2005 stand disposed of. **Sd/-** **L.C. Bhadoo** **Judge**
Barve		

Gr. PRJ—FS/350—12/2000—50,000.